

HEARING DATE: June 9, 2016

ITEM NO.: 1

TIME: 10:05 am

TO: Placer County Planning Commission

FROM: John Weber, Department of Public Works and Facility Services

DATE: June 2, 2016

SUBJECT: ABANDONMENT OF A PORTION OF BAY STREET ADJACENT TO RIVERA
PROPERTY – CARNELIAN BAY
CARNELIAN BAY COMMUNITY PLAN CONSISTENCY FINDING
CATEGORICAL EXEMPTION
SUPERVISORIAL DISTRICT 5 (Montgomery)

COMMUNITY PLAN: Carnelian Bay Community Plan

ZONING: PAS - 017 Carnelian Bay Tourist

STAFF: John Weber, Right-of-Way Agent

ASSESSOR PARCEL NUMBER: 115-030-035-000

LOCATION: The subject property is located at 5230 North Lake Boulevard in the Carnelian Bay area.

APPLICANT: Lou Basile on behalf of property owners Ronald E. Rivera and Stephanie Tamayo-Rivera

PROPOSAL:

The applicant and property owners of the property located at 5230 North Lake Boulevard are requesting the determination that the abandonment of a portion of the Bay Street easement is consistent with the Carnelian Bay Community Plan.

CEQA COMPLIANCE:

The Bay Street easement abandonment is categorically exempt from the provisions of CEQA Guidelines Section 15061(b)(3) and County Code Section 18.08.020 . It can be seen with certainty that there is no possibility of a significant effect on the environment.

PROJECT DESCRIPTION:

The property owners request that the County abandon a portion of the Bay Street easement to accommodate existing building encroachments into the Bay Street easement and for the possibility of unspecified "future projects" that would encroach into the easement. These "future projects" are not a part of the present request and would be subject to subsequent review. The issue before the Planning Commission is limited to consideration of the proposed partial

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abandonment of the County's Bay Street easement and whether that request is consistent with the Goals, Policies and Objectives of the Carnelian Bay Community Plan.

BACKGROUND:

The abandonment request was originally considered as a consent item on the May 12, 2016 Planning Commission agenda. The item was pulled off of the consent calendar for discussion. The Planning Commission requested that the abandonment easement request return to the Planning Commission with additional analysis on whether the abandonment request is consistent with the Carnelian Bay Community Plan.

The applicant requested that Placer County abandon 1,081 square feet of an unimproved public road easement identified as Bay Street on the Map of Carnelian Bay on Lake Tahoe, filed for record in 1908 in Book C of Maps at Page 14. As demonstrated in Exhibit B of Attachment B, the portion of the easement to be abandoned is located to the south of the residential parcel.

In accordance with County Code Section 2.116.040, the "applicants shall pay the fair market value of the property proposed to be abandoned." An appraisal was prepared by the applicant and an appraisal was prepared by the County. The Department of Public Works (DPW) rejected the appraisal prepared by the applicant and the DPW and the applicants have been unable to reach an agreement on the "fair market value" of the easement rights. Therefore, the applicants elected to appeal the rejection of their appraisal and have requested a decision rendered by the Board of Supervisors. However, prior to an appeal before the Board of Supervisors, the applicants shall demonstrate compliance with Government Code Section 65402(a) which requires that the abandonment be first considered by the Planning Commission to make the finding that the abandonment is consistent with the Goals, Policies and Objectives of the Carnelian Bay Community Plan.

SITE CHARACTERISTICS:

Subject site is 0.39 acres, generally sloping from Highway 28 to the shore of Lake Tahoe, enjoys approximately 75 feet of lake frontage, and is improved with a single family residence.

EXISTING LAND USE AND ZONING:

	LAND USE	ZONING
SITE	Residential	PAS - 017 Carnelian Bay Tourist
NORTH	State Highway 28	N/A
SOUTH	Lake Tahoe	N/A
EAST	Residential	PAS - 017 Carnelian Bay Tourist
WEST	Park	PAS - 017 Carnelian Bay Tourist

DISCUSSION/ANALYSIS:

Community Plan/Zoning Consistency

The subject property is located in the Carnelian Bay Community Plan area and is within Plan Area Statement (PAS) – 017, Carnelian Bay Tourist. The site is currently developed with a single family residence.

The vision for transportation in the Carnelian Bay Community Plan consists of State Route 28 improvements such as the construction of trail like sidewalks, curbs, drainage system, conversion to parallel parking in public right-of-way, landscaping, bike lanes, two travel lanes and a center turn lane are Plan requirements. The abandonment of the Bay Street easement will

not impede any necessary improvements to State 28 based on its location relative to State Route 28.

The Plan calls out for the requirement for additional parking, to meet parking requirements and to provide parking for recreational development. Some new community parking lots are identified, such as the Carnelian Bay East and West lots, while others are conceptual and will require further study. The Bay Street easement abandonment does not interfere with the Community Parking Lot System in that Bay Street is not allocated as a community parking lot, the location of the Bay Street easement was not identified as a parking lot in the Community Plan, nor will preclude a new community parking lot from being constructed.

The Plan does require increased transit and facilities, including new transit terminals and parking lots. The Bay Street easement abandonment will not interfere with the vision for water and land transit in that it is not located near State Route 28 where transit is proposed nor interfere with the water transit which is proposed at the location of the existing marina.

There are Specific Transportation Objectives and Policies contained within the Community Plan and each is discussed below as it relates to the Bay Street easement abandonment:

1. *Provide a safe and efficient transportation system for the residents of the Carnelian Bay area and the others who use the system.*
 - a. *Policies summarized: level of service on major roadways, organization of the various functions currently accommodated in the public right-of-way, e.g. through vehicle traffic, parking search, pedestrian activity, bicyclists activity, and parking; implementation of a parking management plan program that provides adequate parking limited traffic conflicts, parking lot connections, community parking lots, and complements transit; when designing transportation improvement, consider traffic calming strategies.*

The Bay Street easement abandonment would not interfere with this goal and policies in that Bay Street is not improved and would not preclude improvements to the existing transportation system of the Carnelian Bay area.

2. *Provide for sufficient capital improvements to meet the level of service target, meet the target for VMT reductions, and to provide adequate parking facilities as development occurs in the community plan area.*
 - a. *Policies summarized: allowing businesses or properties to some credit for satisfying their individual parking requirement if contribution to off-site community parking facilities or transit are provided; make the projects listed in the CP Implementation Plan first priority for available funds; all projects analyze and mitigate their traffic/air quality impacts pursuant to TRPA Code of Ordinances; all projects be subject to the TRPA traffic/air quality mitigation fee program; provide for sufficient funding to finance the projects in the capital improvement program (CIP).*

The Bay Street easement abandonment was not allocated as a parking facility and would not preclude capital improvements to meet the requirements of this Goal and Policies.

3. *The Carnelian Bay Community Plan should promote land use changes and development patterns which will encourage the use of alternative transportation modes and reduce travel distances within the Community Plan.*

- a. *Policy: The Plan shall provide for the in-fill of existing land areas, utilizing existing transportation facilities while promoting alternative to the private automobile.*

Bay Street was not allocated as an alternative transportation mode and therefore, would not be inconsistent with this Goal and Policy.

4. *The Carnelian Bay Community Plan should encourage the use of public and private transit.*
 - a. *Policies summarized: Public transit service should be offered for a period of at least 18 hours per day along State Route 28; the provision of public and private service should be coordinated to reduce costs of service and avoid duplication of services; provide the opportunity for water transit service.*

The abandonment of the Bay Street easement will not interrupt the transit service nor preclude any improvements to the existing services.

5. *The Plan should develop sidewalks along both sides of State Route 28 and local commercial streets. This includes landscaping, lighting, trash receptacles, and bicycle racks.*
 - a. *Policy: Implement a program through review of projects or preferably through improvement districts that provides for the street improvements described in the control program/action element.*

Bay Street is not described as a local commercial street nor has been improved for vehicular or pedestrian access therefore the abandonment request is consistent with this Goal and Policy of the Carnelian Bay Community Plan.

6. *The Carnelian Bay Community Plan should develop a bicycle recreational trails network with connections to recreation and commercial land uses.*
 - a. *Policy: Provide for a system of bicycle recreation trail in the community plan improvement program.*

The recreation trail described in this Goal and Policy is demonstrated on the Transportation Improvements Figure 4 of the Community Plan. The recreational bike trail does appear to be located adjacent to the area of the Bay Street easement abandonment but is not within the Bay Street easement. Therefore, the abandonment will not interfere or disrupt the recreational trail as envisioned in the Carnelian Bay Community Plan.

7. *The Community Plan should implement transportation demand management (TD) measures to reduce the number of vehicles travelling within the Community Plan.*
 - a. *Policies summarized: Transit fare reductions should be used to encourage transit use; condominiums, timeshares, hotels and motels should participate in public and private transit information and incentives to their guests and*

residents; home mail delivery should be provided throughout the Community Plan area.

The easement abandonment of Bay Street will not be inconsistent with this Goal and Policies in that the abandonment will not increase the number of vehicles travelling within the Community Plan and the portion of Bay Street to be abandoned will be used for improvements to and for the sole use of an existing single-family residence.

8. *Transportation System Management (TSM) measures should be provided to improve the efficient of the existing transportation system within the Community Plan.*
 - a. *Policies summarized: Reduce the number of turn movements on State Route 28 through coordination of driveways and entrances into commercial businesses; encourage the consolidation of off-street public parking within commercial areas.*

The abandonment of the Bay Street easement will not create a new turn movement on State Route 28 or prohibit the consolidation of off-street public parking within commercial areas in that the Bay Street easement is located between an existing single-family residence and Lake Tahoe. Bay Street currently does not provide for any access to existing or proposed commercial areas.

9. *The Community Plans for Carnelian Bay, Tahoe Vista, Kings Beach, and North Stateline all propose the completion of a follow-up study, after Plan adoption, that will examine a number of transportation issues affecting State Route 28. This study, intended to involve Caltrans, Placer County, TRPA, and interested citizens, will examine such issues as the appropriate number of travel lanes on the highway, the use of center medians, techniques for "traffic calming", and regulation of travel speed.*

The abandonment of the proposed Bay Street easement will not interfere with the study of State Route 28.

The requested easement abandonment is consistent with the Transportation Objectives and Policies of the Carnelian Bay Community Plan and the PAS 017 in that the abandonment of a portion of the Bay Street easement will not interrupt or interfere with the Goals and Policies of the transportation system of the Carnelian Bay area. Specifically, the abandonment will not disrupt the existing transportation system nor transportation improvements of the Carnelian Bay Community Plan and Carnelian Bay area in that those improvements can still be implemented and maintained. This determination is further supported by the adopted Transportation Improvement exhibit (Attachment C) of this staff report. Based on the aforementioned Transportation Goals and Policies, a portion of Bay Street could be abandoned provided public access on the remainder of the easement is retained and provided the County receives fair recompense (based on the County's valuation) for the portion abandoned.

RECOMMENDATION:

Staff recommends the Planning Commission determine that the project is Categorical Exempt from CEQA 15061 (b)(3) and County Code Section 18.08.020 D. Further, it is recommended that the Planning Commission determine that the proposed partial abandonment of the Bay Street easement is consistent with the Carnelian Bay Community Plan provided the County

receives fair recompense (based on the County's valuation) for the portion abandoned, supported by the following findings.

FINDINGS:

CEQA:

1. This project is categorically exempt from the provisions of CEQA 15061 (b)(3) and County Code Section 18.08.020(D). It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, therefore the activity is not subject to environmental review. .

Carnelian Bay Community Plan Consistency:

1. The easement abandonment of Bay Street is consistent with the Carnelian Bay Community Plan and the PAS 017 Carnelian Bay Tourist Plan Area Statement in that portion of Bay Street easement to be abandoned will not be inconsistent with the Transportation objections and policies of the Carnelian Bay Community Plan nor interfere or disrupt the existing transportation system nor transportation improvements of the Carnelian Bay Community Plan and Carnelian Bay area in that those improvements can still be implemented and maintained provided the County receives fair recompense (based on the County's valuation) for the portion abandoned.

Respectfully submitted,



John Weber
Placer County Right-of-Way Agent

ATTACHMENTS:

Attachment A - Vicinity Map

Attachment B – Description of Abandonment and Site Plan

Attachment C – Carnelian Bay Community Plan Transportation Improvements Exhibit

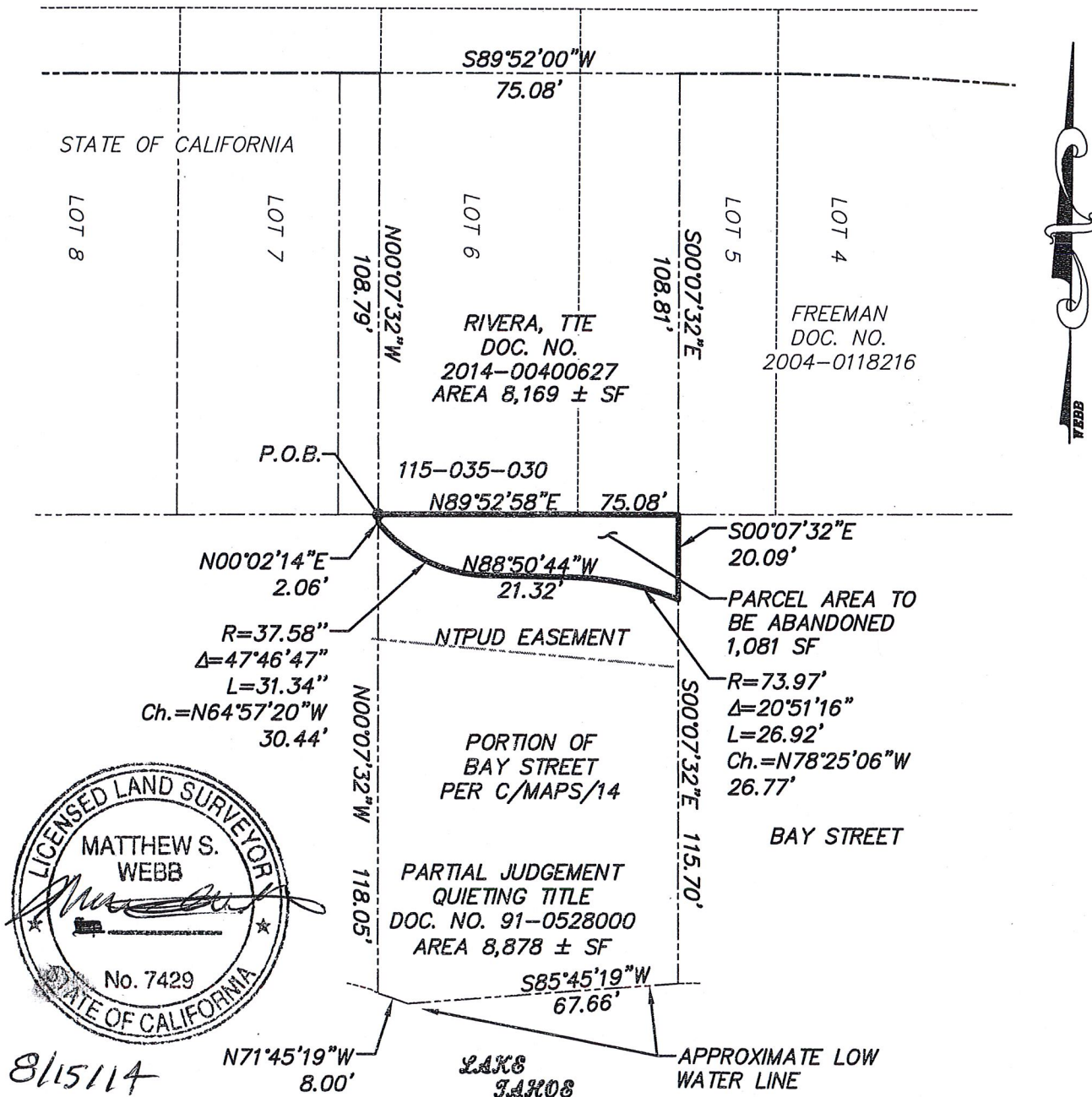
cc: Applicant
Rick Eiri - Engineering and Surveying Division
Environmental Health Services
Air Pollution Control District
Andy Fisher - Parks Department
Gerry Cardin - County Counsel
Karin Schwab – County Counsel
Michael Johnson - CDRA Director
EJ Ivaldi – Deputy Director
Andy Heath – CEO Office
Subject/chrono files

EXHIBIT 'B'

RIGHT OF WAY ABANDONMENT EXHIBIT

A PORTION OF BAY ST. AS SHOWN ON CARNELIAN BAY
SUB. BOOK C OF MAPS, AT PAGE 14, PLACER COUNTY OFFICIAL RECORDS
SECTION 22, TOWNSHIP 16 NORTH, RANGE 17 EAST, M.D.B. & M.
COUNTY OF PLACER CALIFORNIA
SCALE: 1" = 40' AUGUST, 2014

STATE HIGHWAY NO. 28



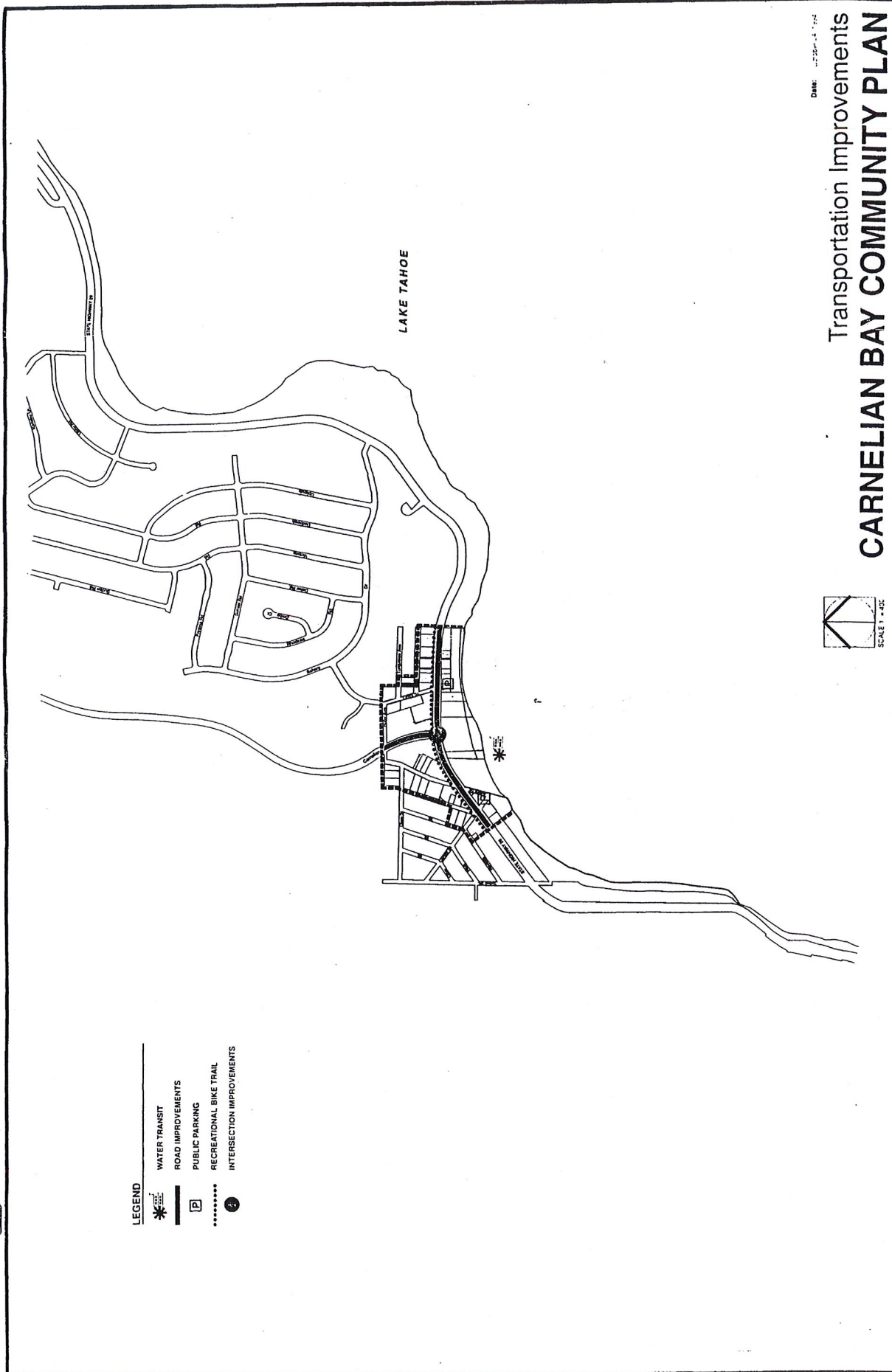
WLS
WEBB LAND SURVEYING, INC.

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EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION

PREPARED FOR:
RIVERA, TTE
APN: 115-030-035 1654.00
165400ex-mbla.DWG

ATTACHMENT B



Transportation Improvements **CARNELIAN BAY COMMUNITY PLAN**

FIGURE 4